

**IN THE UNITED STATES PATENT
AND TRADEMARK OFFICE**



Serial No. : 10/577,982
Applicant : Makoto KOIZUMI
Filed : May 2, 2006
For : OLIGONUCLEOTIDES HAVING A
2'-0,4'-C-ETHYLENE ...
Art Unit : 1637
Examiner : Mark STAPLES
Docket No. : 06189/HG
Confirm No. : 2978
Customer No.: 01933

RESPONSE FILED CONCOMITANTLY WITH RCE

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

MAIL STOP RCE

S I R :

Submitted concomitantly herewith is a DECLARATION UNDER 37 CFR 1.132 of Dr. Makoto KOIZUMI dated January 23, 2009 (hereinafter referred to as the "January 23, 2009 KOIZUMI DECLARATION").

The January 23, 2009 KOIZUMI DECLARATION serves to supplement the previously submitted DECLARATION UNDER 37 CFR 1.132 of Dr. Makoto KOIZUMI dated October 29, 2008 (hereinafter referred to as the "October 29, 2008 KOIZUMI DECLARATION"). The January 23, 2009 KOIZUMI DECLARATION also serves to rebut

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Dorothy DeFrancesco

In the event that this Paper is late filed, and the necessary petition for extension of time is not filed concurrently herewith, please consider this as a Petition for the requisite extension of time, and to the extent not tendered by Form PTO-2038 attached hereto, authorization to charge the extension fee, or any other fee required in connection with this Paper to Account No. 06-1378.

statements on the last page of the December 5, 2008 ADVISORY ACTION.

The information provided on pages 4 to 7 of the January 23, 2009 KOIZUMI DECLARATION (in conjunction with the October 29, 2008 KOIZUMI DECLARATION) clearly shows that (i) Latorra et al., Human Mutations, (2003), 22, 79-85 (hereinafter referred to as "Latorra et al.") teach only how to make primers which have LNA at the 3' end and (ii) there is no disclosure in Latorra et al. of a nucleotide having a LNA at the third nucleotide from the 3' end of the oligonucleotide.

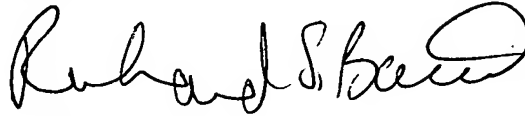
The information furnished on pages 8 to 11 of the January 23, 2009 KOIZUMI DECLARATION clearly shows that a person of ordinary skill in the art would not consider substituting the ENA units of Koizumi et al., Nucleic Acids Research, (2003), 13, No. 12, 3267-3273, for the LNA units of Latorra et al.

Reconsideration is requested. Allowance is solicited.

If the Examiner has any comments, questions, objections or recommendations, the Examiner is invited to telephone the

undersigned at the telephone number given below for prompt
action.

Respectfully submitted,

A handwritten signature in cursive script, reading "Richard S. Barth". The signature is written in dark ink and is positioned above a horizontal line.

RICHARD S. BARTH
REG. NO. 28,180

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